

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 14-922 JB

GERALD ARCHULETA,

Defendant.

**DEFENDANT ARCHULETA'S UNOPPOSED MOTION FOR ORDER TO
EXTEND TIME FOR HIS SELF-SURRENDER FOR SERVICE OF SENTENCE
AS NOTIFIED BY THE U.S. MARSHAL**

The Defendant GERALD ARCHULETA, by and through his appointed attorney, Todd B. Hotchkiss, hereby moves this Court, without opposition of the United States, for an order extending the time for Mr. Archuleta to self-surrender at the institution designated by the United States Marshal.

As grounds, Mr. Archuleta states as follows:

1. This Honorable Court presided at Mr. Archuleta's sentencing hearing on March 8, 2016.
2. This Honorable Court has not filed Mr. Archuleta's judgment yet.
3. At the sentencing hearing, undersigned counsel for Mr. Archuleta requested

that this Court allow Mr. Archuleta to self-surrender to the institution designated by the United State Bureau of Prisons in order to reduce Mr. Archuleta's custody classification score. Mr. Archuleta requested that he be allowed to transport himself to the designated institution and self-surrender in person at the designated institution rather than surrender to the United States Marshals Service in Albuquerque so that the Marshals would transport Mr. Archuleta to the designated institution. There was no objection by the United States and this Honorable Court verbally granted the request.

4. Immediately after the sentencing hearing on March 8, 2016, Mr. Archuleta went to the U.S. Marshals Service and was given a self-surrender date of May 4, 2016.

5. On April 28, 2016, undersigned counsel contacted Mr. Archuleta's supervising Pretrial Services Officer, United States Probation Officer Daniel Stewart, and was informed by Mr. Stewart that Mr. Archuleta has not yet been designated to a facility by the U.S. Bureau of Prisons. Mr. Stewart stated he had contacted Ms. Nancy Lucero with the U.S. Marshals Service on April 28, 2016 who told Mr. Stewart that Mr. Archuleta has not yet been designated. Ms. Lucero told Mr. Stewart that once the judgment for Mr. Archuleta is filed, the U.S. Bureau of Prisons will then begin the process of designating Mr. Archuleta and then contacting the U.S. Marshals Service with a designated facility for Mr. Archuleta.

6. Undersigned counsel is aware of no issues regarding Mr. Archuleta's release pending self-surrender. Undersigned counsel's contact with Mr. Stewart confirmed that. Consequently, Mr. Archuleta, as confirmed by Mr. Stewart, poses no flight risk or

danger to the community under his present conditions of release. Mr. Archuleta has stayed in regular contact with undersigned counsel.

7. Mr. Archuleta respectfully requests that this Honorable Court relieve Mr. Archuleta of any obligation to self-surrender on May 4, 2016 to the U.S. Marshals Service and extend the time for Mr. Archuleta to self-surrender in person at the institution designated by the Bureau of Prisons following formal notification from the United States Marshals.

8. Undersigned counsel contacted opposing counsel, Assistant United States Attorney Tara Neda, by email regarding this motion on April 28, 2016. Ms. Neda does not oppose the motion.

9. Undersigned counsel contacted Mr. Archuleta's United States Pretrial Services Officer Daniel Stewart on April 28, 2016 regarding this motion. Mr. Stewart does not oppose this motion.

WHEREFORE, Defendant GERALD ARCHULETA respectfully requests this Court enter an order granting this motion and extending the time for Mr. Archuleta to transport himself to the institution designated by the United States Bureau of Prisons and self-surrender at the designated institution following notification from the United States.

Respectfully submitted,

/s/ Todd B. Hotchkiss
TODD B. HOTCHKISS
ATTORNEY AT LAW, LLC
Attorney for GERALD ARCHULETA
610 Gold Avenue S.W., Suite 228
Albuquerque, New Mexico 87105
Tele. (505) 243-6776
E-mail: Todd@toddhotchkiesslaw.com

CERTIFICATE OF FILING AND SERVICE

I, Todd B. Hotchkiss, hereby certify that on April 28, 2016 I electronically filed through the CM/ECF system and that through that system opposing counsel Tara Neda, Assistant United States Attorney, and codefendant's counsel, Brian Pori, will be served with a true and accurate copy.

/s/ Todd B. Hotchkiss
TODD B. HOTCHKISS